

BATTLE NAMED BY GOVERNOR TO AID GRAND JURY

Good Friend of Swann,
Whose Activities He
Will Investigate.

SMITH DOUBTS CRIME
Choice of Assistant District
Attorney Pleases Both
Factions.

Gov. Smith last night cut the Gordian knot into which District Attorney Swann and the Extraordinary Grand Jury have tied themselves over the pursuit of truth in the traction situation and over the jury's assertion that it has "reasonable grounds of belief that public officials have been guilty of willful and corrupt misconduct in office" both in the city administration and the District Attorney's office. The Governor asked Mr. Swann to appoint George Gordon Battle as a Special Assistant District Attorney to act with the Grand Jury. Mr. Swann said he would do it the first thing this morning.

The Governor's action was taken after a two-hour conference in the offices of the Public Service Commission with John H. Delaney, Construction Commissioner; Daniel L. Ryan, his deputy; Alfred J. Talley, Chief Assistant District Attorney, and George Van Name, the Governor's secretary. The difficulty has been solved in the fact that while Mr. Battle is and has proclaimed himself a warm friend of the District Attorney, against whose office the Grand Jury says it has evidence, his name was first suggested to the Governor by this same Grand Jury. Raymond F. Almiral, foreman of the jury, when informed of the Governor's action last night manifested no great enthusiasm.

"I have nothing to say. I have no comment to make," he declared after the Governor's letters had been read to him.

Governor Writes Two Letters.

The Governor wrote two letters, one to the District Attorney and the other to Mr. Almiral, in response to the appeal both made Thursday, the jury to have a special deputy Attorney-General named to support Mr. Swann and Mr. Swann to have called a whole new extraordinary term of the Supreme Court to act with the present investigators, whom Mr. Swann charges with prejudice, might appear as complainants.

In his letter to Foreman Almiral the Governor makes it plain that the jury has not yet convinced him that there is any "overshadowing crime" of such seriousness as to warrant the appointment of a special deputy Attorney-General.

"While he carefully refrains from reference to the charges the jury has made against the city administration, he takes cognizance of the charges made against the District Attorney's office. He also takes cognizance of the charges made against the Grand Jury and the District Attorney. The letter reads:

"My dear Mr. Almiral:

"I am in receipt of your letter of November 20th.

"Section 52, subdivision 2 of the Executive law provides that: 'The Governor may require the Attorney-General to attend in person or by one of his deputies any term of the Supreme Court, or appear before the Grand Jury thereof, for the purpose of managing and conducting in such court or before such jury, such criminal actions or proceedings as shall be specified in such requirement.'

"I have no knowledge of your proposed action or proceeding, and in all cases in the past where the District Attorney was supplanted by action of the Governor, the Governor has had some knowledge of the pending action. I have none.

"It appears from the letters that have been published, coming both from yourself as foreman of the jury and from Judge Swann as District Attorney, that you have no confidence in the District Attorney and he in turn has no confidence in your jury.

"In an earlier communication to me you requested the designation of George Gordon Battle as a Special Assistant District Attorney to act with your jury. Since then you have communicated to me that a situation has arisen which in your opinion justifies an examination of the District Attorney's office.

Meets Swann's Wishes.

"I have therefore requested Judge Swann to appoint Mr. Battle a Special Assistant District Attorney and to assign him, in your Extraordinary Grand Jury with instruction to cooperate with you to the last degree. This I know the District Attorney will be entirely willing to do, as he has so stated publicly.

"In this way you will secure for the Extraordinary Grand Jury the service of a trained and able prosecutor of your own choice who enjoys the confidence of the people of the county. Sincerely yours,

ALFRED E. SMITH.

The letter to Mr. Swann "requests" the appointment of Mr. Battle and informs Mr. Swann that he has written of this to Mr. Almiral. The letter contains the "request" because the Governor in-

doated when the Grand Jury first asked for such a step that he was without power himself to do so. He takes note of Mr. Swann's willingness to have his own office investigated.

So far as the results of the appointment of Mr. Battle are concerned the opinion among those who have been associated with the controversy last night was that the Governor had turned the Grand Jury down and stood by the District Attorney. When the Grand Jury first came into court with a statement that it wanted Mr. Swann supplanted it asked Justice Weeks as well as the Governor to name Mr. Battle. At that time Mr. Battle denied that he had been consulted on such a request. It was then that he proclaimed his unwillingness to accept such a task and his friendship for Judge Swann.

It was generally predicted that Mr. Battle would pitch into the controversy and bring the Grand Jury either to indictments of those whom it believes guilty, presentment indicating where it believes further investigation beyond its own powers should be made, or the termination of its existence.

Swann to Aid Inquiry.

Though District Attorney Swann is in effect removed as a factor in the Grand Jury's proceedings, he said last night that every act of his office would be at the disposal of the jury and Mr. Battle. When told of the Governor's action last night he said:

"It will give me great satisfaction to comply with the Governor's request. I will execute proper designation of Mr. Battle to-morrow and have it delivered to him. Mr. Battle is of unimpeachable integrity and his reputation for fairness and honesty is as well established in the community as that of any other person. I will be satisfied with his selection. Mr. Battle will be given every aid and assistance that the District Attorney's office can give. The public may rely upon it that Mr. Battle's appointment gives assurance that the examination will be done in a lawyer-like manner.

"I regret that such an able man whose time is so valuable has to be called upon to pursue a shadowy shadow termed the 'overshadowing crime.' He has my best wishes and sincere sympathies.

The extent to which the bitter feeling between the Grand Jury and Mr. Swann has gone was revealed at an informal dinner which the members of the jury gave night before last at the Players Club to Arthur Meyer, one of their number, who is leaving them for a trip to Europe for which he had made all arrangements. Yesterday, through one of the members of the jury, there became available for publication a copy of the song that was sung at this dinner.

Jury Hears Song.

"It was a good song, the jury thought. At any rate, despite its jocular vein it is the first authentic expression from the jury room as to what the jury thinks of the various personalities who have been mentioned in connection with its proceedings. It runs as follows:

The jury sits and wonders what District Attorney Swann has got up his sleeve. They really fear it may be something rather queer.

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The judge has charged them all to be fearless and just, and earnestly to make their quest for wrong and crime a good example for all time.

The prosecutor looked them over and thought he'd give them something more.

To do that what the judge had charged: He sought to have their case enlarged.

He wanted them to do what Hearst: Resolved upon when at his worst, And issued orders to have done What would be sport, he thought, and fun.

The jury has a foreman mild And simple as a little child. He says that the jury is not a bit. This way we figure this complaint.

Then Mr. Swann rose in his might And said they only could indict Such persons as he might request Accordingly as he thought best.

The members of the jury, each Refused to let him lead or teach His odd and curious concept Of what he thinks would be inept.

Arthur Meyer looks around And says that, as to him, he's bound, To do his duty, and he thinks The prosecuting office stinks.

Brainerd, though he is a third, Sniffs, and says that he smells Hearst. While silent black proceeds (announce) Of the Committee of Accounts.

Einsteins speak up, but what he says Somehow he never finishes. Though, as for that, he doesn't care; He wants to investigate the Mayor.

Now all the men that I have named, With other members have been fringed So that they cannot do a thing But listen, twirl their thumbs and sing.

The Governor, he pondera, too, And wishes the whole thing was through. Or since there's no instance that He might appoint a Democrat.

Everybody's in a fix. For not a soul wants politics To interfere, or spoil the chase, Or save a guilty person's face.

Now the jury sits and waits While the Gov'nt hesitates But they urgently require That the Gov'nt should decide.

The Grand Jury will probably spend the rest of the week in consideration of the anarchy cases and the milk cases.

BATTLE WILL ACCEPT POST.

Announces He Will Be Glad to Aid in Inquiry.

Special Dispatch to THE SUN.

ATLANTIC CITY, Nov. 25.—George Gordon Battle said here to-night he had only unofficial information as to his appointment as Special Assistant District Attorney to work with the extraordinary Grand Jury.

"I will cheerfully accept the appointment if it should be tendered," said Mr. Battle.

"I don't know what would be the first thing I would do, but I think I will consult with Gov. Smith. I will telephone to New York to-morrow to learn more about the matter. The first step I should take, I suppose, would be to learn just what the extraordinary Grand Jury has been doing. Officially I don't know what they have done."

FOUNDED 1856

NE of our newly acquired customers remarked after a tour of various clothing houses—"You have all of the other concerns beaten, they certainly are hindrances on the question of price."

Men and young men are imbued with the same fundamentals in selecting winter clothes—both seek quality, design, fit and value.

We always did, and do now, qualify on all essential clothes-fundamentals, and we have no hesitancy in venturing that our prices, of equal quality and tailoring, are considerably below current rates.

BROKAW BROTHERS
1457-1463 BROADWAY
AT FORTY-SECOND STREET

BALTIMORE POLICE HAVE MYSTERY CASE

Woman Dead and Another
Critically Ill and Two Men
Held for Inquiry.

POISONING IS SUSPECTED

Hospital Physicians Differ
With Coroner, Who Re-
ported Natural Death.

Special Dispatch to THE SUN.

BALTIMORE, Nov. 25.—One woman is dead, another is critically ill and two men, John Kelley and Allice Osman of New York, a Turk, both reputed to be wealthy, are detained by the police, who are investigating the mystery of the death of the woman.

Last Friday Lucille Sharp, 28 years old, of Winston-Salem, N. C., was taken suddenly ill. Dr. John T. King ordered that she be sent to a hospital, where she died Saturday.

Coroner Smith gave a certificate of death from Bright's disease, but the hospital physicians said the woman's condition indicated poisoning. Miss Sharp's mother was notified and took her daughter's body home Sunday morning.

A few hours later, according to the police, Kelley sent a telegram to Mrs. Catherine Bristol at Philadelphia as follows:

"Lucille dead. Come on."

Mrs. Bristol arrived yesterday. She immediately sent a telegram to Osman asking him to come on also and Osman reached here later. The police say they learned that the three spent most of the day in the Kelley apartment drinking from a tall bottle.

Mrs. Bristol, who is critically ill, received sufficiently this afternoon to dictate and sign a statement in effect as follows:

"I came here after Mr. Kelley had sent me a telegram that Lucille was dead. I saw a long bottle on the bureau and drank some of it. Mr. Kelley said it contained brandy. That was what Lucille drank, and I said I wonder if it is what helped to kill Lucille. Mr. Kelley said 'No.'

"A little later I drank some more and gave Allice Osman some. I did not feel sick until I awoke about 6 A. M. Monday. Mr. Kelley asked me to typewrite some letters for him, but I was too sick. Then he gave me a tablet and later a sedative powder."

Kelley stated that before Miss Sharp became ill they had eaten at a restaurant and both found that the food they had ordered had a peculiar taste.

Kelley denied knowledge of any bottle save the one now in possession of the police. Dr. King was positive that there was another bottle on the mantel in Kelley's room. This bottle was square and held about half a pint. The physician said it was about three-quarters full of a liquid which resembled whiskey or brandy and that Kelley had told him Osman while he was sleeping yesterday.

MEXICO'S REPLY IS COMING TO-DAY

Continued from First Page.

from Puebla to Escobedo, a Mexico City newspaper, under date of Sunday, November 23.

The Puebla dispatch said the district judge had ordered the immediate release of Lieut. Mestre, counsel for Jenkins.

BANDITS HOLD RANCHERS.

\$15,000 Ransom Demanded for Each of Ten Mexicans.

WASHINGTON, Nov. 25.—Ten of the wealthiest ranchers of Vera Cruz, captured by bandits November 15, are being held for \$15,000 ransom each, advises to-day from Mexico City said. Several other ranchers were caught at the same time the bandits dynamited a train, but they were released because they had no funds. Only the rich were held.

T. C. McKenney, American manager of an electric power plant at Ciudad Guzman, Chihuahua, was seized recently by bandits, but Federal forces rescued him.

BANDIT KIDNAPPER SLAIN.

Band Fought Over Division of Army Aviators' Ransom.

PASADENA, Tex., Nov. 25.—Jesus Renteria, the bandit who obtained \$15,000 ransom for the return of the United States Army aviators, Lieut. Davis and Peterson, was killed by another bandit at Carrizosa Springs, Mexico, in a fight over division of the ransom money, according to apparently reliable reports from Mexican sources received here to-day.

JITNEYS CROWD OUT TOWN'S STREET CARS

Trolley Company Stops Service at Lawrence, Mass.

LAWRENCE, Mass., Nov. 25.—The trustees of the Eastern Massachusetts Street Railway announced to-day that they would cease operation of cars in this city with the completion of regular runs to-night. The only exceptions are on the line to Lowell and one of the lines to Haverhill.

The trustees gave notice some time ago that because their lines here were being operated at a loss, they would discontinue service November 25 unless jitney competition were eliminated. The City Council revoked all jitney licenses yesterday, but no attempt was made to interfere with the running of jitneys to-day, the drivers charging no fare but accepting whatever passengers were willing to pay.

The City Council at a special meeting to-morrow forenoon will consider the situation. They will take up the question of submitting to the voters at the city election a referendum for an expression of preference as to trolley cars or jitneys. It is understood that interests behind the jitneys will ask the council for licenses to operate motor buses while the city is without street car service.

Kennedy
12 Cortlandt St.
MEN'S HATS, SHOES AND FURNISHINGS

Extra Fine
White, Madras
and Fancy
Negligee Shirts, \$2
Soft and
Suits
Fine Worsteds
Underwear
\$1.85
Shirts or Drawers.
Heavy Tan Cape Gloves, \$1.85
Worth \$3.00 (A Well Known Make.)



YOUR BANK

to-day, is the recognized medium for the execution of all matters of financial importance.

Our facilities and methods, embodying the wisdom of varied experience may provide the most efficient solution of your problems.

**UNION EXCHANGE
NATIONAL BANK OF NEW YORK**

A Commercial Bank
Fifth Avenue at 21st Street

Every Business Day

How many business men of your acquaintance have been at their office every business day for the past year? How many for the past 365 days?

This company has been "on the job" every business day for the past 36 years and will continue that way indefinitely.

Do you not feel that this is a very strong point in its favor as a trustee or executor? Certainly an individual can assure you of such continuity of service.

TITLE GUARANTEE & TRUST CO

Capital \$5,000,000
Surplus \$11,000,000

175 Broadway, 137 W. 125th St., 370 E. 44th St.
115 Nassau Street, Brooklyn
330 Fulton St., Jamaica 47 Jackson Ave., City
90 Bay Street, St. George, Nassau Island

ANGELES APPEALS DEATH SENTENCE

Villa General, Convicted in Mexico, Was to Be Shot Yesterday.

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The sentence was not carried out, it was said, because the attorneys for Angeles appealed to the Federal Court at Juarez and the Supreme Court of Mexico at Mexico City for a stay of execution by applying for a writ of habeas corpus. The Juarez court denied the appeal, Judge Medina holding his court had no jurisdiction and the Supreme Court had the only tribunal which could act. Besides the Supreme Court President Carranza also could save the condemned man with a pardon.

It was said by court officials that if the Supreme Court grants the application it simply means that court will only review the proceedings of the court-martial and that if no errors are found it will mean carrying out of the sentence. During his address to the court Gen. Angeles praised America and Americans.

"The Mexican people always have viewed with dislike and apprehension the great American nation, always being brought up to believe their powerful neighbors are harboring thoughts of our conquest. Nothing is more erroneous. Our great neighboring nation, headed by its great President, Mr. Wilson, has only the kindest feeling for us and our welfare. It is often said here that the American army is a nonentity. Though true that its former army was of little importance its present army is one of the greatest in existence. It embodies all of the flower and young, clean blood of the nation."

Angeles quit the Villa movement before the Columbus, N. M., raid of 1916 in referring to the raid during the trial he said:

"A most dastardly attempt against the United States was made in the attack upon Columbus. A town belonging to a great friendly nation was attacked; men, women and children were murdered and other outrages committed. We showed ourselves to the whole world what we are, for while the American is clean in mind, body and environment we are absolutely and equivocally the opposite."

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TWELVE FINED FOR LYNCHING.

Alabama Pay \$100 to \$200 for Shooting White Man.

RAYMONT, Ala., Nov. 25.—Twelve white men, indicted last spring for lynching Frank Foukal, a white man, pleaded guilty by agreement in court here to-day and paid fines ranging from \$100 to \$200.

Foukal was shot to death by a mob while in jail, and two of the ringleaders were convicted and given long prison terms.

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HUGHES AVERS U. S. WILL HELP EUROPE

Tells Trade Conference This Nation Insists Upon Keeping Institutions.

Reluctance to Make Commitments Not a Sign of Shirk-ing Duty.

CHARLES E. Hughes voiced a warning to the members of the missions from Great Britain, France and Italy to the International Trade Conference last night not to misunderstand the opposition which has developed here to the League of Nations and the reluctance which the American people have shown to making commitments regarding unknown matters. Speaking at a farewell dinner given to the delegates at the Baltimore, prior to their return home to-day on the liner President Grant, Mr. Hughes said:

"Although the mechanism still remains to be worked out, the future is still assured because I say this with shows cooperation already has begun. I do not propose to enter into controversial matters, but I do say it is the spirit of the American people to give aid to Europe without sacrificing our own institutions. The fact that the United States is reluctant to make commitments regarding unknown matters does not mean that it is not ready to discharge any known duty. Our response will be immediate and effective. Unless we can erect a temple of international justice we cannot build a temple of international peace."

"We stand united with all liberty loving peoples for the establishment of such tribunals as may settle questions that may arise between the civilized nations of the world by peaceful conciliation. I do not believe America has any disposition to shirk her duties. Our spirit was manifested by our conduct in the great war. Do you suppose we entered it to remain forever isolated from the rest of the world? We intend to maintain American institutions but will always be willing to do our part for the maintenance of liberty and the welfare of all mankind, and we insist that a contract shall be a sacred thing and shall never be violated by mere brute force."

Alfred C. Bedford, chairman of the board of directors of the Standard Oil Company of New Jersey and head of the International Trade Conference, which held its opening session in Atlantic City a month ago, was the host at the dinner. The two practical results following the conference, he said, were the establishment of a permanent medium between the five countries participating for the discussion of matters of mutual interest underlying the prosperity of world commerce; the appointment of another committee to develop a fundamental plan for financing legitimate credit requirements for bridging over the time before Europe will be able to resume industrial productivity.

John H. Fahey, chairman of the conference's committee on permanent organization, said the first meeting of what, in effect, is to be an international chamber of commerce would be held in Paris in June, 1920, with five delegates present from each of the five countries represented at the conference here.

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"Although the mechanism still remains to be worked out, the future is still assured because I say this with shows cooperation already has begun. I do not propose to enter into controversial matters, but I do say it is the spirit of the American people to give aid to Europe without sacrificing our own institutions. The fact that the United States is reluctant to make commitments regarding unknown matters does not mean that it is not ready to discharge any known duty. Our response will be immediate and effective. Unless we can erect a temple of international justice we cannot build a temple of international peace."

"We stand united with all liberty loving peoples for the establishment of such tribunals as may settle questions that may arise between the civilized nations of the world by peaceful conciliation. I do not believe America has any disposition to shirk her duties. Our spirit was manifested by our conduct in the great war. Do you suppose we entered it to remain forever isolated from the rest of the world? We intend to maintain American institutions but will always be willing to do our part for the maintenance of liberty and the welfare of all mankind, and we insist that a contract shall be a sacred thing and shall never be violated by mere brute force."

Alfred C. Bedford, chairman of the board of directors of the Standard Oil Company of New Jersey and head of the International Trade Conference, which held its opening session in Atlantic City a month ago, was the host at the dinner. The two practical results following the conference, he said, were the establishment of a permanent medium between the five countries participating for the discussion of matters of mutual interest underlying the prosperity of world commerce; the appointment of another committee to develop a fundamental plan for financing legitimate credit requirements for bridging over the time before Europe will be able to resume industrial productivity.

John H. Fahey, chairman of the conference's committee on permanent organization, said the first meeting of what, in effect, is to be an international chamber of commerce would be held in Paris in June, 1920, with five delegates present from each of the five countries represented at the conference here.

The members of the missions from overseas held a conference at the New York Clearing House yesterday fore-

HUGHES AVERS U. S. WILL HELP EUROPE

Tells Trade Conference This Nation Insists Upon Keeping Institutions.

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